

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TONY KOLE, individually and as President
and Manager of Ghost Industries, LLC, and
GHOST INDUSTRIES, LLC, an Illinois
limited liability company,

Plaintiffs,

v.

No. 11-CV-03871

VILLAGE OF NORRIDGE, an Illinois
municipal corporation, RONALD A.
OPPEDISANO, individually and as President
of the Village of Norridge, JAMES J. JOBE,
Chief of Police of the Village of Norridge,
JUDITH D. BERNARDI, Clerk of Village of
Norridge, URSULA A. KUCHARSKI,
DENNIS H. STEFANOWICZ, DOMINIC
SULIMOWSKI, GREGORIO, AND ROBERT
MARTWICK, individually and as Trustee of
the Village of the Norridge and MARK V.
CHESTER, individually and as Village
Attorney of the Village of Norridge,

Defendants.

DEFENDANTS' MOTION FOR EXTENSION

NOW COME the Defendants, VILLAGE OF NORRIDGE, RONALD A.
OPPEDISANO, JAMES J. JOBE, JUDITH D. BERNARDI, URSULA A. KUCHARSKI,
DENNIS H. STEFANOWICZ, DOMINIC SULIMOWSKI, JACQUELINE GREGORIO,
ROBERT MARTWICK and MARK V. CHESTER, by and through their counsel, ANCEL,
GLINK, DIAMOND, BUSH, DiCIANNI & KRAFTHEFER, P.C., and move this Court for an
extension of time to file their responsive pleading, and in support of that motion, state the
following

1. The deadline for the defendants to file their responsive pleading to the plaintiffs' Complaint, agreed upon by the parties and set by Agreed Order on July 15, 2011, is July 28, 2011.

2. The defendants need additional time to complete that responsive pleading. First, the Complaint contains 14 separate counts, alleging violations of nine constitutional provisions, three federal statutes, and making six separate state law claims, and seeks injunctive relief and money damages against nine defendants. In addition, the Complaint chiefly raises questions of the breadth of the Second Amendment as it affects the ability of a municipality to regulate a weapons dealer, a question that is completely unsettled under the current state of the law. These factors alone necessitate the need for additional time to file a responsive pleading.

3. In addition, plaintiffs' counsel intends to file an amended complaint sometime within the next week which, he has advised defendants' counsel, will not significantly alter the substantive claims in the current Complaint, but will add at least some new claims that will have to be analyzed and addressed by the defendants.

4. Moreover, the parties have discussed exploring a possible resolution of the lawsuit. Plaintiffs' counsel has advised that he is working on putting together a proposal to begin those discussions.

5. On top of all of these reasons, Thomas G. DiCianni, defendants' lead counsel, has this past week been diverted from complete attention to the responsive pleading by pressing discovery issues in *Adams v. Village of Huntley*, Case No. 09 C 50053, and responding to the plaintiffs' Motion for Summary Judgment in *Bell v. Village of Streamwood, et al.*, Case No. 10 C 03263, which is due on August 1, 2011, and which will likely be tried this coming fall.

6. For all of the foregoing reasons, the defendants request an additional 21 days from the date of the filing of plaintiffs' Amended Complaint to file their responsive pleading.

WHEREFORE, Defendants pray this Court extend the time to file their responsive pleading an additional 21 days from the date of the filing of plaintiffs' Amended Complaint.

/s/ Thomas G. DiCianni

Thomas G. DiCianni (ARDC #03127041)
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ANCEL, GLINK, DIAMOND, BUSH, DICIANNI & KRAFTHEFER, P.C.

Attorney for Defendants

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CHESTER, individually and as Village
Attorney of the Village of Norridge,

Defendants.

CERTIFICATE OF SERVICE

The undersigned, one of the attorneys of record herein, hereby certifies that on July 28, 2011, the foregoing **MOTION FOR EXTENSION** was electronically filed with the Clerk of the U.S. District Court using the CM/ECF System, which will send notification of such filing to the following:

Walter Peter Maksym , Jr.
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/s/ Thomas G. DiCianni
THOMAS G. DiCIANNI, (ARDC# 03127041)
One of the attorneys for Defendants

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